

Remarks

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Initially, as required by the Examiner, Applicants hereby affirm their election of the Group I subject matter as defined by the Examiner on page 2 of the Office Action, i.e. claims 1-2(part), 3-5, 8-28(part), 29-30, and 31(part) drawn to R_1-R_2 =purine. This election is made while reserving Applicants' rights under 35 U.S.C. §121 to file a divisional application for the non-elected subject matter.

Claim 1 has been cancelled.

Claim 2 has been rewritten in independent form, by incorporating formula 1 from claim 1, incorporating the definition for R_1-R_2 from claim 3, and limiting the definition for R_3 to that set forth in claims 8 and 14. Amended claim 2 also includes changes which are responsive to the grounds for rejecting this claim under the second paragraph of 35 U.S.C. §112.

Claim 3 has been cancelled, since it has been incorporated into claim 2.

Claims 4-5 and 8-25 have been amended to change their dependencies and/or to make changes responsive to the rejection under 35 U.S.C. §112, and to be consistent with the amendments to claim 2.

Claim 26 has been cancelled.

Claim 27 has been amended to depend on claim 2, and also to place it in more conventional form according to U.S. practice, by replacing the "characterized in that" language with "reacting" language.

Claim 28 has been amended in response to the grounds for rejecting this claim under 35 U.S.C. §112, based on the disclosure at page 19, lines 4-8 of the specification.

Claim 29 has been amended to incorporate the definitions for R_3 and R_4 from amended claim 2.

Claim 30 has been amended in consideration of the amendments to claim 29, from which claim 30 depends.

Claim 31 has been amended in response to the grounds for rejecting this claim under 35 U.S.C. §112, and also to place it in more conventional form according to U.S. practice, similarly to the amendments to claim 27.

In view of the claim amendments, Applicants take the position that the rejection of claims 1-2, 8-28 and 31 as being drawn to an improper Markush group has been rendered moot. That is, the amended claims are now limited to compounds where R_1 - R_2 is a purine radical.

Furthermore, Applicants take the position that, in view of the claim amendments, all of the prior art rejections against the claims, as set forth on pages 5-7 of the Office Action have been rendered moot. As indicated above, claim 2 has been amended to incorporate the definition for R_3 from claims 8 and 14, neither of which is subject to any of the prior art rejections.

Incidentally, one of the rejections set forth by the Examiner is based on "Gabriel", set forth toward the bottom of page 5 of the Office Action. It is Applicants' understanding that the Examiner meant to refer instead to the WO 9850031 A1 reference on the Notice of References Cited form attached to the Office Action.

The rejection of claims 1-5 and 8-31 under the second paragraph of 35 U.S.C. §112 is respectfully traversed.

All of the grounds for this rejection have been rendered moot in view of the claim amendments, except for items 6, 10 and 15 on page 9 of the Office Action.

With regard to item 6, "1-Alkenyl" is no longer part of the claims. Applicants added a clarification "wherein a double bond or the triple bond, respectively, is connected to CH_2 " to claim 2, based on (1) the description of R_3 on pages 8-10, (2) the understanding of the skilled person in the art that position 1 is the position connecting to the CH_2 group in formula 1 due to the numbering of the residues R_1 and R_2 , and R_3 and R_4 such that $-X-CH_2-$ is the center of the compound, and (3) the examples always have a double bond or the triple bond, respectively, connected to CH_2 .

With regard to item 10, Applicants contend that "dendritic" is a term of art well understood by the skilled person, especially in view of the further characterization "tree-like" (page 12, line 21 of the specification).

With regard to item 15, Applicants contend that "manipulate" is clear for the skilled person in the context of the description, see e.g. page 13, lines 5-10, the further description of labels and the properties introduced into the fusion proteins, e.g. pages 14-17, in particular page 14, lines 1-26, for "manipulating" as binding to a solid support and further steps made possible by binding to a solid support, page 14, line 28 to page 15, line 7, generation of radicals and

further steps made possible thereby, page 15, line 9-18, cross-linking and further steps made possible thereby.

For these reasons, Applicants take the position that the rejection of the claims under the second paragraph of 35 U.S.C. §112 should also be withdrawn.

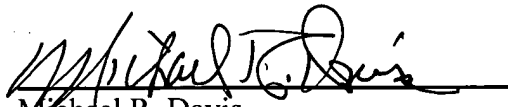
The abstract has been rewritten as suggested by the Examiner, thus rendering the objection to the abstract moot.

Therefore, in view of the foregoing amendments and remarks, it is submitted that each of the grounds of objection and rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

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By:

A handwritten signature in black ink, appearing to read "Michael R. Davis", is written over a horizontal line.

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